

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of) MM Docket No.
)
Amendment of Section 73.202(b),) RM-_____
Table of Allotments,)
FM Broadcast Stations,)
(Fair Bluff, North Carolina))

FEB - 8 1995

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To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

PETITION FOR RULEMAKING

Atlantic Broadcasting Co., Inc. ("Atlantic"), by and through counsel, and pursuant to §1.420(d) of the Commission's Rules (47 C.F.R. §1.420(d)), hereby submits its "Petition For Rulemaking" seeking the deletion of FM Channel 287A at Fair Bluff, North Carolina. In the alternative, Atlantic requests the Commission to impose a site restriction on the Fair Bluff allocation. In support whereof, the following is shown:

1. Atlantic is the licensee of WDAR-FM, Darlington, South Carolina. WDAR-FM operates on Channel 288C3 with a directional antenna to protect the Fair Bluff Channel 287A allotment. If the Fair Bluff allotment is deleted, WDAR-FM can seek to modify its license to operate as an omni-directional station. A construction permit (File No. BPH-8903132MQ) with call sign "WWIR(FM)" on the Fair Bluff channel was held by Great American Media Ltd. I. By letter dated August 31, 1994 (copy attached as Exhibit A), the Commission acknowledged the voluntary relinquishment of the construction permit by Great American Media Ltd. I, cancelled

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the construction permit and deleted the call sign WWIR. Thus, the channel is now vacant.

2. Attached hereto is as Exhibit B is a Technical Statement in which it is demonstrated that Channel 287A should be deleted from the Table of Assignments. Atlantic is currently preparing an application to modify the facilities of WDAR-FM to operate with a non-directional antenna. It will be filed as soon as practicable. The deletion of the unused channel will be in the public interest since (a) it will permit WDAR-FM to operate with an omni-directional antenna, and (b) it will not leave Fair Bluff without radio service. WJHB(AM), which operates with 1 kW day and 0.048 kW night, is licensed to Fair Bluff.

3. In *Silverton, Colorado*, 9 FCC Rcd 661 (February 8, 1994), the Commission proposed deleting a vacant channel for lack of interest if no applications were filed for the channel during the rule making comment period. The deletion was proposed to accommodate the petitioner's construction permit application that specified a site that conflicted with the deleted channel. In the follow-up *Report and Order*, 9 FCC Rcd 4097 (August 19, 1994), the Commission deleted the channel. Atlantic seeks the same result. Alternatively, if the Commission elects not to delete Channel 287A from Fair Bluff, or if a third party expresses interest in the allotment during the comment period, Atlantic requests that the Commission impose a site restriction on Channel 287A to a site 13 km east of Fair Bluff at coordinates: **North Latitude: 34° 21'22"**, and **West Longitude: 078° 54'36"**. The Technical Statement shows that the proposed restricted site would meet all allocation provisions of §73.207 of the Rules and would provide 100% of Fair Bluff with city-grade service.

4. Accordingly, it is proposed that the Commission's FM Table of allotments be amended as follows:

<u>City</u>	<u>Channel No.</u>	
	<u>Present</u>	<u>Proposed</u>
Fair Bluff, NC	287A	---

WHEREFORE, it is respectfully requested that a rulemaking proceeding be initiated to delete Channel 287A from Fair Bluff, North Carolina; or, in the alternative, to impose a site restriction on the allotment.

Respectfully submitted,

**ATLANTIC BROADCASTING
COMPANY, INC.**

By: 

Gary S. Smithwick
Shaun A. Maher

Its Attorneys

SMITHWICK & BELENDIUK, P.C.

1990 M Street, N.W.
Suite 510
Washington, D.C. 20036
(202) 785-2800

January 8, 1995

EXHIBIT A

239

FOC MAIL SECTION

SEP 1 9 25 AM '94

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

DISPATCHED BY

AUG 31 1994

IN REPLY REFER TO:
1800B3-DAT

Wade H. Hargrove
Tharrington, Smith & Hargrove
209 Fayetteville Street Mall
P.O. Box 1151
Raleigh, NC 27602

In re: WWIR(FM) Fair Bluff, NC
Great American Media
Ltd. I
BPH-890313MQ
BMPH-930601JE

Dear Mr. Hargrove:

This letter is in reference to your letter dated August 24, 1993 requesting withdrawal of the pending application for extension of time and voluntary relinquishment of the above-captioned construction permit for a new FM station.

Accordingly, pursuant to your request, application BMPH-930601JE IS HEREBY DISMISSED and the construction permit is HEREBY CANCELLED and callsign WWIR is HEREBY DELETED.

Sincerely,

Dennis Williams
Dennis Williams
Chief, FM Branch
Audio Services Division
Mass Media Bureau

cc: Donald W. Curtis

EXHIBIT B

PROPOSED RULE MAKING TO DELETE
(Alternate Proposal To Site Restrict)
Channel 287A
Fair Bluff, North Carolina
February 1995

INTRODUCTION

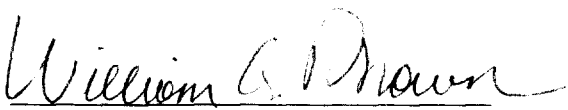
This Technical Exhibit Supports the Proposed Rule Making to delete Channel 287A from Fair Bluff, North Carolina. This unused channel has received no interest since the cancellation of a Construction Permit. Channel 287A is short spaced to WDAR(FM) at Darlington, South Carolina.

Proposed Rule Making

It is proposed to delete the unused Channel 287A at Fair Bluff, North Carolina. This will allow processing of an application by Atlantic Broadcasting Company, Inc., licensee of WDAR, to delete it's directional antenna which currently protects the Channel 287A allocation. With the anticipation of the deletion of this channel Atlantic Broadcasting Company, Inc. is filing an application to delete the directional pattern for WDAR (FM). The deletion of Channel 287A from Fair Bluff will not leave this community without service. WJHB-AM is licensed to Fair Bluff and operates with 1480 kHz 1 kW Day 0.048 kW Night.

Alternate Petition For Rule Making

Atlantic Broadcasting Company, Inc. proposes first to delete Channel 287A from Fair Bluff, North Carolina. However, if a counter proposal or statement of interest for Channel 287 is filed then Atlantic Broadcasting Company, Inc. changes its Proposal Rule Making to Site Restrict (instead of delete) Channel 287A, 13 km east of Fair Bluff. It is proposed to use an allocation site at North Latitude 34° 21' 22" and West Longitude 78° 54' 36". From this site Channel 287A will provide 100% of the city of license with a 3.16 mV/m signal (See Exhibit #1). The proposed allocation site meets all provisions of §73.207. With this site restriction WDAR(FM) will be properly spaced with this allocation under section §73.207 (See Exhibit #2) thus allowing WDAR to delete its directional antenna.


William G. Brown
Bromo Communications, Inc.

February 6, 1995
DATE



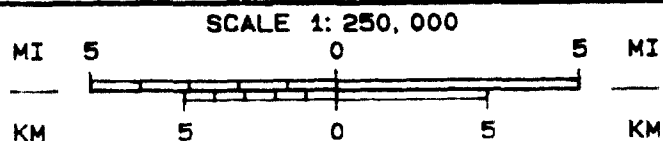
3.16 mV/m CONTOUR FROM PROPOSED SITE

3.16 mV/m Contour shown assumes maximum
Class A facility (6 kW @ 100 meters HAAT)
at the proposed site

EXHIBIT #1

PROPOSED RULE MAKING

Site Restrict Channel 287A
Fair Bluff, North Carolina
February 1995



BROMO BROADCAST
COMMUNICATIONS TECHNICAL CONSULTANTS

BROMO COMMUNICATIONS INC
(706) 782-7222 - (202) 429-0600

SPECIAL ALLOCATION POINT FOR ALLOCATION
POINT AT FAIR BLUFF, NC

REFERENCE	CLASS A	DISPLAY DATES
34 21 22 N		DATA 12-30-94
78 54 36 W	Current rules spacings	SEARCH 02-06-95

----- CHANNEL 287 -105.3 MHz -----

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
WWIR.C	287A	Fair Bluff	NC	264.0	17.84	115.0	-97.16 *
WDARFM	288C3	Darlington	SC	267.2	90.12	89.0	1.12 <
WDCG	286C	Durham	NC	352.3	169.71	165.0	4.71
AD285	285C3	Calabash	NC	132.0	47.74	42.0	5.74
WGQR	289A	Elizabethtown	NC	41.2	39.99	31.0	8.99
WRHA.C	286A	Johnsonville	SC	225.8	85.81	72.0	13.81
WNMB.C	290C3	North Myrtle Beach	SC	162.2	58.43	42.0	16.43
WXQRFM	288C2	Jacksonville	NC	82.3	135.60	106.0	29.60
WJYQ.C	287C3	Moncks Corner	SC	216.6	174.56	142.0	32.56
DE287	287C3	Moncks Corner	SC	216.6	174.56	142.0	32.56

EXHIBIT #2
PROPOSED RULE MAKING
Site Restrict Channel 287A
Fair Bluff, North Carolina
February 1995